

Attorney Docket No. 60097-0145

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-28 remain in this application. Claims 1 and 14 have been amended. It should be noted that Applicant has elected to amend said Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making this amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled and does not concede, in any way, that the subject matter of such Claims was in fact taught or disclosed by the cited prior art. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

II. CLAIM REJECTIONS – 35 U.S.C. § 102

The Office Action rejected Claims 1, 5, 6, 9, 10, 14, 18, 19, 22, 23, and 28 under 35 U.S.C. § 102(b) as anticipated by Poisner, U.S. Patent No. 6,108,785. The rejection is respectfully traversed.

Claims 1 and 14 have been amended to clarify the invention and appear as follows:

1. A method for providing access between a first party and a second party, said method comprising the steps of:
 - generating a challenge value at said first party;
 - transmitting said challenge value to said second party;
 - generating a response value using a lock value and said challenge value at said second party;

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wherein said lock value indicates a desired access mode;
transmitting said response value to said first party; and
validating said response value by said first party.

14. An apparatus for providing access between a first party and a second party, said apparatus comprising:

means for generating a challenge value at said first party;
means for transmitting said challenge value to said second party;
means for generating a response value using a lock value and said challenge value at said second party;
wherein said lock value indicates a desired access mode;
means for transmitting said response value to said first party; and
means for validating said response value by said first party.

In particular, Poisner does not teach or disclose a system that means for generating a response value using a lock value and said challenge value at said second party as claimed in Claims 1 and 14. A unique feature of the invention is that the second party generates the response value by using the challenge value and a lock value, the second party does not have to decode the challenge value to properly respond to the first party. Poisner does not contemplate the use of a lock value and the challenge value to generate a response value.

Anticipation under 35 U.S.C. § 102 requires a reference to teach or disclose each and every element, limitation, or step of a claim. Since Claim 1 and Claim 14 each include at least one element not found in Poisner, the Poisner patent does not anticipate Claim 1 or Claim 14 under 35 U.S.C. § 102.

Poisner therefore does not teach every aspect of the claimed invention either explicitly or impliedly.

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Claims 1 and 14 are allowable. Claims 5, 6, 9, 10, and 18, 19, 22, 23, 28, are dependent upon independent Claims 1 and 14, respectively. Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. 102(b).

III. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 2, 3, 15, 16, and 27 under 35 U.S.C. § 103(a) as unpatentable by Poisner, et al., U.S. Patent No. 5,596,739 in view of Bensimon et al., U.S. Patent No. 5,553,125.

The rejection under 35 USC §103(a) is deemed moot in view of Applicant's comments regarding Claims 1 and 14, above. Claims 2 and 3 are dependent upon independent Claim 1. Claims 15, 16, and 27 are dependent upon independent Claim 14. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §103(a).

IV. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 4, 7, 8, 11-13, 17, 20, 21, and 24-26 under 35 U.S.C. § 103(a) as unpatentable by Poisner, et al., U.S. Patent No. 5,596,739 in view of Bensimon et al., U.S. Patent No. 5,553,125 and further in view of Van Oorschot et al., U.S. Patent No. 5,850,443.

The rejection under 35 USC §103(a) is deemed moot in view of Applicant's comments regarding Claims 1 and 14, above. Claims 4, 7, 8, and 11-13 are dependent upon independent Claim 1. Claims 17, 20, 21, and 24-26 are dependent upon independent Claim 14. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §103(a).

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V. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.


The Examiner is invited to telephone the undersigned at (408) 414-1214 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. 1 (703) 872-9306.

on January 18, 2005



Annette Jacobs